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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,441

01/15/2004

Thomas E. Miller

30521/3054

5619

87744

7590

09/25/2009

MARSHALL, GERSTEIN & BORUN LLP  
(KNOWLES)

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EXAMINER

PENDLETON, DIONNE

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

09/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,441	<b>Applicant(s)</b> MILLER, THOMAS E.	
	<b>Examiner</b> DIONNE H. PENDLETON	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 3,7-9 and 11-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 4-6 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by **S. H. Goldberg (US 1,799,510)**.

#### **Regarding claim 1,**

The recitation “an armature for a receiver”, has not been given patentable weight because the recitation occurs in the preamble. This preamble has not been accorded patentable weight, as it merely recites the intended use of the structure, and the body of the claim does not depend on the preamble for completeness.

Goldberg teaches a structure, comprising: a first leg portion (**“1” in Figure 5**) having a thickness and width;

a second leg portion (**“2” in Figure 5**) spaced apart from the first leg portion;

and a connection portion (**“3” in Figure 5**) for flexibly coupling the first leg portion **“1”** with the second leg portion **“2”**, wherein the connection portion **“3”** includes a “reduced non-zero\_thickness” portion having a thickness less than the thickness of the first leg portion;

and **Figure 2** illustrates wherein the width of the connection portion (**“3” in figure 2**) is greater than the width of the first leg portion **“1”**.

**Regarding claim 2,**

in **figure 2**, Goldberg teaches that the first leg portion (**“1” in figure 6**), at least in part, is at a ninety degree angle with respect to the connection portion (**“3” in figure 6**), as broadly claimed.

**Regarding claim 4,**

in **figures 2-6**, Goldberg teaches that the connection portion (**3**) is integral with the first (**1**) and second (**2**) leg portion.

**Regarding claim 5,**

in **figure 2**, Goldberg teaches that the second leg portion (**2**) comprises a first sub-leg (**“4” in figure 2**) and a second sub-leg (**“6” in figure 2**) spaced apart from one another.

**Regarding claim 6,**

in **figure 6**, Goldberg teaches that the width of the first sub-leg portion **(4)** is less than a width of the connection portion **(3)** and wherein a width of the second leg portion **(6)** is less than the width of the connection portion **(3)**.

**Regarding claim 10,**

in **figure 6**, Goldberg teaches that the width of the first leg portion **(1)** is less than the width of the connection portion **(5)**.

***Response to Arguments***

3. Applicant's arguments with respect to claims rejected in the Official Action mailed 8/18/2008 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIONNE H. PENDLETON whose telephone number is (571)272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dionne H Pendleton/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627